

JAMES McMANIS (40958)
ELIZABETH PIPKIN (243611)
CHRISTINE PEEK (234573)
McMANIS FAULKNER
A Professional Corporation
50 West San Fernando Street, 10th Floor
San Jose, California 95113
Telephone: (408) 279-8700
Facsimile: (408) 279-3244
Email: cpeek@mcmanislaw.com
epipkin@mcmanislaw.com

Attorneys for Plaintiff,
Rahinah Ibrahim

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RAHINAH IBRAHIM, an individual,

Plaintiff,

vs.

DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

Case No. C 06-0545 WHA

**PLAINTIFF'S OBJECTION TO AND
REQUEST FOR ORDER STRIKING
DEFENDANTS' SURREPLY RE:
PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES AND COSTS**

Date: March 20, 2014
Time: 8:00 a.m.
Ctrm: 8 – 19th Floor
Judge: The Hon. William Alsup

1 Plaintiff filed a reply in support of her motion for award of attorneys' fees and costs on
 2 January 28, 2014, along with a reply declaration providing additional detail regarding the costs
 3 she requested. On February 25, 2014, defendants filed an objection to the reply declaration, and
 4 also filed a six-page surreply. (Docket Nos. 714, 714-1). On February 26, 2014, the Court
 5 ordered plaintiff's reply declaration stricken. (Docket No. 715). Plaintiff respectfully requests
 6 that the Court strike defendants' surreply because it violates Local Rule 7-3(d), and because the
 7 Court struck plaintiff's reply declaration to which the surreply was directed. *See* Local Rule 7-
 8 3(d) ("Once a reply is filed, no additional memoranda, papers or letters may be filed without
 9 prior Court approval.").

10 As explained in plaintiff's reply brief, the costs claimed in her motion are all
 11 compensable under the Equal Access to Justice Act, 28 U.S.C. § 2412, *et seq.*, and are
 12 reasonable on their face. In her moving papers, plaintiff proved the expenses through the
 13 testimony of Christine Peek. Plaintiff included more information in her reply regarding these
 14 costs in response to defendants' opposition. Even without the reply declaration, it is apparent
 15 from the eight-year litigation history of this case, including two appeals, and the government's
 16 bad-faith conduct, that the costs were reasonably incurred.

17
 18 DATED: February 27, 2014

McMANIS FAULKNER

19
 20 /s/ Elizabeth Pipkin
 ELIZABETH PIPKIN

21 Attorneys for Plaintiff,
 22 Rahinah Ibrahim
 23
 24
 25
 26
 27
 28